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January 10, 2012

BY CM/ECF

The Honorable Viktor V. Pohorelsky
United States Magistrate Judge
United States District Court for
the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Yung v. Trump*, No.: 1:11-cv-1413 (DLI) (VVP) (Our Ref.: TRMP 10/08087)

Dear Judge Pohorelsky:

As you know, we represent defendant Donald J. Trump (“Donald Trump”) in this matter. We write to respond to the letter submitted on December 23, 2011 by Plaintiff *pro se* J. Taikwok Yung in which he renews his request to depose Donald Trump because he alleges that Eric Trump was unable to answer relevant questions at his recent deposition. As Plaintiff’s request is wholly without basis and only serves to demonstrate his continued harassment of Defendant, it should be denied so that Defendant can file its proposed dispositive motion.

As an initial matter, it is worth remembering that, although Defendant has asserted counterclaims against Plaintiff, this action exists only because Plaintiff chose to file it after losing an arbitration before the World Intellectual Property Organization (“WIPO”). WIPO awarded Defendant four domain names, *trumpmumbai.com*, *trump beijing.com*, *trumpabudabi.com* and *trumpindia.com*, all of which were found to have been registered and used by Plaintiff in bad faith in violation of the Uniform Domain Name Dispute Resolution Policy that governs the registration of domain names. Had Plaintiff accepted this decision, there would be no lawsuit. But Plaintiff pressed on, apparently in the hope that the specter of litigation would cause Defendant either to give up his rights to the names in question or, worse, to pay Plaintiff money to go away. Plaintiff filed this action and has litigated as if he had a legitimate right to use Defendant’s TRUMP name and trademark as his own, which of course he does not. Any claims of unfair persecution here can only justly be made by Defendant, not Plaintiff.

Turning to Plaintiff’s renewed request to depose Donald Trump, the Court will recall that after being served with the original notice of deposition Donald Trump, the Chief Executive Officer of The Trump Organization, submitted an affidavit attesting that he has “no personal knowledge of the subject matter of this litigation.” Affidavit of Donald J. Trump, September 27, 2011 (“Affidavit”) (emphasis added). Because Plaintiff nonetheless continued to seek Donald Trump’s deposition, the Court held on Defendant’s motion for a protective order that Plaintiff may depose Donald Trump only if he first deposed The Trump Organization’s Executive Vice-President Eric Trump and

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then demonstrated either that Eric Trump was “unable to answer relevant questions” or that Eric Trump’s “testimony disclosed that Donald Trump had personal involvement in matters relevant to the instant dispute.” *See* Minute Order, Oct. 20, 2011. Plaintiff deposed Eric Trump at the courthouse on November 18. Eric Trump appeared and gave detailed responses to Plaintiff’s questions. *See* Deposition Transcript, Nov. 18, 2011 (“Transcript”) (Exhibit A). The deposition lasted more than an hour and concluded only after Plaintiff stated that he had no further questions. *See id.* at 72:2. Nothing in Eric Trump’s testimony suggested that Donald Trump had personal involvement in relevant matters. Also, no questions likely to lead to the discovery of admissible evidence went unanswered. Therefore, the Court should not permit Plaintiff to further his ongoing campaign of harassment by deposing Donald Trump.

Taking the second option first, nowhere in Plaintiff’s letter does he suggest that Eric Trump’s testimony indicated that Donald Trump was personally involved in any matter relating to this action. Indeed, the Affidavit confirms that Donald Trump is not in a position to answer any questions about this case. *See* Affidavit. In any event, the questions Plaintiff says he would ask Donald Trump were either answered by Eric Trump¹ or are general questions regarding Donald Trump’s personal knowledge of the dispute, which he has already disavowed in the unchallenged sworn statement. *Id.*

The thrust of Plaintiff’s renewed request to depose Donald Trump, rather, is his allegation that Eric Trump did not answer relevant questions. Plaintiff is wrong. Eric Trump answered each of the six questions identified in Plaintiff’s letter as fully as a senior executive would be expected. Moreover, Plaintiff’s isolated citations do not tell the full story, as many of his queries were repetitive and the answers span several questions, not those cherry-picked by Plaintiff for his motion. *See, e.g.,* Transcript at 8:10–10:9, 29:9–30:18, 62:21–64:20 (relating to when counsel may have been instructed to send demand letter). First, Plaintiff asked why three months had passed between the parties’ initial conference and the filing of the arbitration claim; as Eric Trump testified, this was the result of a busy legal department efficiently handling its case flow. *Id.* at 60:24–61:24. Next, the four questions Plaintiff lists pertaining to when Eric Trump first learned of the at-issue domain names and when he directed legal action were answered in large part as follows: as Executive Vice-President, Eric Trump has “a team of very capable people [who] handle legal matters just like this who report to me on a weekly and monthly basis or really as needed. . . . I’m informed every step of the way.” *Id.* at 62:25–63:13. However, he explained that he could not recall precisely when he first learned of this matter because the company “deal[s] with hundreds of these issues” and they tend to “blend together.” *Id.* at 63:22, 64:10.² Lastly, while Eric Trump was unable

¹ Eric Trump answered six of the eight questions: (1) the three-month and three-year “delays,” *id.* 58:12–59:9, 60:8–61:24; (2) who instructed counsel to send a demand letter and when, *id.* at 8:10–10:9, 29:9–31:20, 62:21–64:20, 70:17–21; (3) who “bear[s] legal responsibility in this legal action,” *id.* at 32:16–33:4; (4) who first learned about the at-issue domain names and when and what responsibilities did that person possess, *id.* at 8:10–10:18; (5) who may assert legal claims on Donald Trump’s behalf, *id.* at 35:18–38:12; and (6) who initiated the legal dispute, *id.* at 8:10–10:18.

² These issues were similarly addressed in Plaintiff’s written discovery. Plaintiff submitted the following interrogatory: “Why has Donald Trump delayed over 3 years to file/sent [sic] harassment legal letters,

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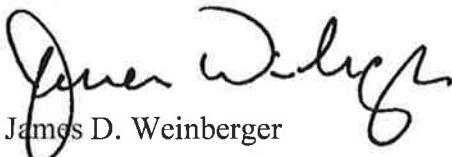
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to recall the precise date on which Plaintiff registered his domain names, this trivia is contained in Plaintiff's own documents, as well as publicly available documents. (Indeed, Plaintiff, not Eric Trump, is in the best position to know such facts.) Plaintiff may not like these answers, but that alone does not entitle him to depose Donald Trump about them.

If Plaintiff had legitimately desired detailed answers to these questions, he would have included each in his discovery requests (which he did not) rather than attempting to depose Donald Trump with irrelevant and insulting inquiries regarding, *inter alia*, Donald Trump's net worth and "feelings" towards the Chinese people. See Exhibit B. No plausible basis existed for deposing Donald Trump then, and, as set forth herein, none exists now. Plaintiff's renewed motion to depose him should be denied.

Finally, while the Court made plain at the December 9, 2011 conference that it was not interested in adjudicating Plaintiff's claims that Eric Trump (and now the undersigned, as well) attempted to physically intimidate Plaintiff and used racially derogatory comments at the deposition, we are compelled once again to deny these offensive and wholly untrue claims. Plaintiff's insistence on raising these allegations in a public filing after the Court rejected them is more evidence of his continued harassment and further exposes his vexatious motives in bringing this action. These motives should be checked now and discovery closed so that Defendant may go about expeditiously seeking the adjudication of this matter.

Respectfully submitted,



James D. Weinberger

Exhibits

cc: J. Taikwok Yung (by email and First Class Mail)

arbitration claims and frivolous counter claims against the Plaintiff's rightful ownership of the at-issue domains?" Defendant's response after its objections was as follows:

Defendant did not become aware of Plaintiffs' infringing, TRUMP-formative domain names until shortly before sending demand letters to Plaintiffs in 2010. Since Plaintiffs refused to turn over the infringing domain names despite Defendant's requests and negotiation attempts, Defendant brought an arbitration proceeding to recover the disputed domain names as required under the Uniform Domain-Name Dispute-Resolution Policy ("UDRP") in December 2010. Although Defendant won that proceeding, Plaintiffs appealed the decision to this Court seeking a declaratory judgment on March 22, 2011. At that time, pursuant to Federal Rule of Civil Procedure 13(a), Defendant was forced to raise the instant counterclaims in the federal litigation or lose them. Accordingly, Defendant filed his counterclaims on May 6, 2011.

Defendant/Counterclaim-Plaintiff's Objections and Responses to Plaintiffs/Counterclaim-Defendants' First Set of Interrogatories and Document Requests, October 6, 2011, Response to Interrogatory No. 4.

Exhibit A

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----X

WEB-ADVISOR, J. TAIKWOK YUNG,

Plaintiff,

-against-

DONALD J. TRUMP,

Defendant.

-----X

225 Cadman Plaza East

Brooklyn, New York

November 18, 2011

1:00 p.m.

EXAMINATION BEFORE TRIAL of

ERIC F. TRUMP, a representative of the

Defendant in the above-entitled action,

taken on behalf of the Plaintiff, held at

the above time and place, and taken before

Binita Shrestha, a reporter and Notary

Public within and for the State of New York.

1 APPEARANCES:
 2
 3 FROSS ZELNICK LEHRMAN & ZISSU, P.C.
 4 Attorneys for Defendants
 5 866 UN Plaza
 6 New York, New York 10017
 7 Tel: 212-813-5900
 8 BY: JAMES D. WEINBERGER, ESQ.

10
 11 J. TAIKWOK YUNG
 12 Pro Se Plaintiff
 13 556 Easy 88th Street
 14 Brooklyn, New York, 11236

15
 16 Also Present:
 17 Alexis L. Robinson, Esq.
 18 Assistant General Counsel
 19 The Trump Organization
 20 725 Fifth Avenue
 21 New York, New York 10022
 22 Tel: 212-715-7255

1 E. F. TRUMP
 2 ERIC F. TRUMP,
 3 the witness herein, having first been
 4 duly sworn by a Notary Public of the
 5 State of New York, was examined and
 6 testified as follows:
 7 EXAMINATION BY
 8 MR. YUNG:

9 MR. YUNG: My name is J. Taikwok
 10 Yung. I'm the pro se plaintiff in
 11 this litigation, and I'll be asking
 12 the deposition questions to Eric
 13 Trump.

14 MR. WEINBERGER: Before we
 15 start, we wanted to make sure we're
 16 all on the same page about the video
 17 recording that you're making of the
 18 deposition. So can we get your
 19 agreement that you will be using the
 20 video to verify the accuracy of the
 21 transcript for the purpose of the
 22 lawsuit, and you won't make any
 23 external use of any video recording
 24 you make, meaning post it on a Web
 25 site or something like that?

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1 IT IS HEREBY STIPULATED AND AGREED by
 2 and between the attorneys for the respective
 3 parties herein that the sealing, filing and
 4 certification of the within deposition be
 5 waived; that such deposition may be signed
 6 and sworn to before any officer authorized
 7 to administer an oath, with the same force
 8 and effect as if signed and sworn to before
 9 whom said deposition was taken.

10 IT IS FURTHER STIPULATED AND AGREED that
 11 all objections, except as to form, are
 12 reserved to the time of trial.

13 IT IS FURTHER STIPULATED AND AGREED that
 14 counsel for the witnesses appearing herein
 15 shall be furnished with a copy of the within
 16 deposition without cost.

1 E. F. TRUMP
 2 MR. YUNG: I can't answer you
 3 that right now because you just
 4 asked me right now.

5 MR. WEINBERGER: Well, I'm
 6 asking you right now, and if you're
 7 not willing to agree not to use it
 8 for purposes of litigation, we will
 9 go see the judge before we start
 10 because I'm not going to allow you
 11 to record the deposition without an
 12 agreement that you're not going to
 13 use it for some improper purpose.

14 MR. YUNG: Well, when you say
 15 improper, what do you mean by that?

16 MR. WEINBERGER: Well, you've
 17 told the judge that you needed the
 18 video in order to verify the
 19 accuracy of the transcript, and if
 20 I'm characterizing this right, to
 21 make sure that I'm not coaching the
 22 witness, which I have no intention
 23 to do and I will not be doing, but
 24 Mr. Trump is a personality, he's on
 25 television, and use could be made of

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[2] (Pages 2 to 5)

| | | | |
|----|--------------------------------------|----|--|
| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | a video recording from testifying in | 2 | the brother of Donald Trump, Jr. |
| 3 | this case for other purposes other | 3 | Q. Who is older? |
| 4 | than the lawsuit, meaning you sell | 4 | MR. WEINBERGER: Objection to |
| 5 | it on the Web, you post it on your | 5 | the form of the question. You can |
| 6 | Web site -- | 6 | answer. |
| 7 | MR. YUNG: I can tell you I'm | 7 | THE WITNESS: Donald Trump, Jr. |
| 8 | not selling it. | 8 | is older. |
| 9 | MR. WEINBERGER: Can we agree | 9 | BY MR. YUNG: |
| 10 | that you're not going to post it on | 10 | Q. Do you know Alexis Robinson? |
| 11 | your Web site? | 11 | A. I do. |
| 12 | MR. YUNG: Within my powers, I | 12 | Q. For the record, who is she? |
| 13 | will not do it. | 13 | A. She is an attorney with Trump. |
| 14 | MR. WEINBERGER: Meaning you | 14 | Q. Did you instruct her to send |
| 15 | will not do it yourself, and you | 15 | harassing legal letters to the pro se |
| 16 | will not intentionally tell someone | 16 | plaintiff on October 27th, 2010? |
| 17 | else to do it? | 17 | MR. WEINBERGER: Objection to |
| 18 | MR. YUNG: Yeah, within my | 18 | the form of the question. |
| 19 | powers. | 19 | THE WITNESS: I don't know what |
| 20 | MR. WEINBERGER: Will you take | 20 | legal letters you're referring to. |
| 21 | steps to keep custody of the -- | 21 | BY MR. YUNG: |
| 22 | MR. YUNG: You mentioned you | 22 | Q. On October 27th, she sent a letter |
| 23 | want a copy of it as well? | 23 | to the pro se plaintiff asking for the |
| 24 | MR. WEINBERGER: Yeah, I'll need | 24 | custody of the at-issue domain names. They |
| 25 | a copy, but the recording you're | 25 | were sent to sporting202@yahoo.com. Are you |

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| | | | |
|----|--|----|---|
| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | making, the memory cards, will you | 2 | aware of that? |
| 3 | keep them with you? | 3 | MR. WEINBERGER: Objection to |
| 4 | MR. YUNG: Yeah, within my | 4 | the form of the question. |
| 5 | powers, I will keep it secure. | 5 | THE WITNESS: I'm aware that |
| 6 | MR. WEINBERGER: Are you | 6 | we're seeking our domain names back, |
| 7 | satisfied with that? | 7 | yes. |
| 8 | THE WITNESS: As long as it's | 8 | BY MR. YUNG: |
| 9 | not coming out, I'm satisfied with | 9 | Q. But not the specific letter |
| 10 | it. Is that what you're saying, | 10 | instructing her to -- the letter that was |
| 11 | you -- | 11 | sent to sporting202 asking for custody of |
| 12 | MR. YUNG: Within my powers. | 12 | the domain names? Were you aware of those? |
| 13 | MR. WEINBERGER: Then we're fine | 13 | A. We are a very big company -- |
| 14 | to proceed. | 14 | Q. So you're not aware of that? |
| 15 | MR. YUNG: We'll start. | 15 | A. I'm aware that her responsibility, |
| 16 | BY MR. YUNG: | 16 | as our attorney, is to make sure our name is |
| 17 | Q. I guess my first question is how old | 17 | protected, so she's acting on behalf -- |
| 18 | are you; you seem kind of young? | 18 | she's acting as an attorney then, you know, |
| 19 | A. I'm 27. | 19 | she's doing her job. I'm not aware of every |
| 20 | Q. Can you answer, did your counsel | 20 | letter that comes out of our company. |
| 21 | coach you to prepare for this deposition? | 21 | Q. So do you think it was Donald Trump |
| 22 | A. No. | 22 | who instructed Alexis Robinson to send the |
| 23 | Q. Can you state your relationship with | 23 | letter? |
| 24 | Donald Trump and Donald Trump, Jr.? | 24 | MR. WEINBERGER: Objection to |
| 25 | A. I am the son of Donald Trump; I am | 25 | the form of the question. |

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[3] (Pages 6 to 9)

| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | THE WITNESS: No, it wasn't. | 2 | A. I do not. |
| 3 | BY MR. YUNG: | 3 | MR. WEINBERGER: Sorry, just |
| 4 | Q. So you're aware that it wasn't | 4 | give me a chance to object. |
| 5 | Donald Trump who sent the letter? | 5 | I think you need to tell him |
| 6 | A. Alexis handles trademark | 6 | what Web sites you're talking about. |
| 7 | infringement. She would have been the one | 7 | MR. YUNG: The at-issue domain |
| 8 | that sent the letter. It wouldn't have been | 8 | names that we're discussing is |
| 9 | instructed by Donald Trump. | 9 | TrumpBeijing.com, TrumpIndia.com, |
| 10 | Q. So what's her official role -- | 10 | TrumpMumbiai.com, and |
| 11 | description of her role as a lawyer in the | 11 | TrumpAbu Dhabi.com. So before I ask |
| 12 | Trump organization? | 12 | the question, you're aware of the |
| 13 | A. She's in our litigation department. | 13 | at-issue domain names? |
| 14 | She does a lot of trademark and Web | 14 | THE WITNESS: Yes. |
| 15 | infringement. | 15 | BY MR. YUNG: |
| 16 | Q. Specifically just that? | 16 | Q. So are you able to answer that |
| 17 | A. Not specifically, but she does a lot | 17 | question that I just asked previously? |
| 18 | of that, yes. | 18 | A. Can you re-ask the question? |
| 19 | Q. Okay. Concerning the Web sites, the | 19 | MR. WEINBERGER: The reporter |
| 20 | at-issue domains, do you know what Internet | 20 | can read it back unless you would |
| 21 | protocol the Web sites of the at-issue | 21 | like a different question. |
| 22 | domain names are delivered on? | 22 | (Whereupon, the referred |
| 23 | A. I don't know what that means. | 23 | question was read back by the |
| 24 | Q. Internet protocols. Have you used a | 24 | Reporter.) |
| 25 | browser before? | 25 | THE WITNESS: I don't. I'm not |

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| | | | |
|----|---|----|---|
| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | A. Yes, I have. | 2 | a tech guru. I don't even know what |
| 3 | Q. Are you aware of the protocols this | 3 | that means. |
| 4 | is delivered in? | 4 | BY MR. YUNG: |
| 5 | A. I'm not aware of protocols, no. | 5 | Q. Do you know what content management |
| 6 | MR. WEINBERGER: Can we just -- | 6 | system, CMS, are the Web sites running on? |
| 7 | one second. I think it's probably | 7 | A. I do not. |
| 8 | best if everybody slows down. I'm | 8 | Q. Do you know how many parody articles |
| 9 | not sure the reporter is getting the | 9 | are there on the Web site, P-A-R-O-D-Y? |
| 10 | full testimony, so let's just -- I | 10 | MR. WEINBERGER: Objection to |
| 11 | want to make sure she's able to | 11 | the form. |
| 12 | record. | 12 | BY MR. YUNG: |
| 13 | BY MR. YUNG: | 13 | Q. Do you know if the Web sites can be |
| 14 | Q. Okay. So you're saying you don't | 14 | viewed on a mobile device, like smartphone? |
| 15 | know? | 15 | A. The four Web sites in question? |
| 16 | A. I don't know what you're referring | 16 | Q. Yes. |
| 17 | to when you say an Internet protocol. | 17 | A. I do not. |
| 18 | Q. Internet protocol is the way you | 18 | Q. So let me ask you, how well do you |
| 19 | transfer information through the Internet | 19 | know the current legal dispute? |
| 20 | and interpreted by the browser. | 20 | A. I understand the legal dispute. |
| 21 | MR. WEINBERGER: Objection. | 21 | Q. From one to ten, like where you |
| 22 | It's not a question. | 22 | stand knowing actually the truth of the |
| 23 | BY MR. YUNG: | 23 | matter? |
| 24 | Q. Do you know what Internet service | 24 | MR. WEINBERGER: Objection to |
| 25 | language the Web sites are built on? | 25 | the form. |

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[4] (Pages 10 to 13)

| | |
|---|--|
| <p>1 E. F. TRUMP 2 THE WITNESS: You know, 3 unfortunately as a company like 4 ours, we're forced to fight disputes 5 like this all the time, people 6 trying to capitalize on our name, 7 make money off of us, infringe on 8 something that, you know, the 9 company that we've grown, a name 10 that we've grown over many years, so 11 I understand the merits of this 12 case. We see this type of case all 13 the time. It's unfortunate --</p> <p>14 BY MR. YUNG: 15 Q. Do you rate yourself a ten on ten 16 or --</p> <p>17 MR. WEINBERGER: Hold on a 18 second. You've got to let him 19 answer the question.</p> <p>20 THE WITNESS: I'm answering the 21 question. I understand the merits 22 of the case. Somebody is trying to 23 infringe on trademarks that we have, 24 and obviously as a company like 25 ours, we have to fight that.</p> | <p>1 E. F. TRUMP 2 In India, using your example, we 3 have a relationship in India with also 4 another major developer. In Mumbai we have 5 a very nice project. We're going to go in 6 there in a very major way. We've looked 7 into many other projects in Bangalore. 8 We've looked at many other projects in 9 Beijing, in China, and we're looking into 10 China in a very large way. We have many 11 other business interests there, everything 12 from expanding our Golf Enterprise to 13 different commercial ventures to Miss 14 Universe that we own to a series of books 15 that were published in Chinese to projects 16 that we've sold in China before and sold 17 very successfully in China to projects that 18 we have in Seoul, Korea to the Miss Universe 19 Pageant, which is worldwide and is televised 20 throughout the world.</p> <p>21 I could really go on and on. We 22 have major business interests all over the 23 world. The Apprentice, one of the top shows 24 anywhere in the world, has been publicized 25 in literally dozens, and dozens, and dozens</p> |
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| | |
|--|--|
| <p>1 E. F. TRUMP 2 BY MR. YUNG: 3 Q. Let me ask you, what plans do you 4 have, your party, for the at-issue domain 5 names; what plans do you have for the domain 6 names?</p> <p>7 A. We're a major international 8 developer; we are a major domestic 9 developer. We have business interests all 10 over the world, and I can go through some of 11 them.</p> <p>12 Q. No, specifically dealing with the 13 at-issue domain names.</p> <p>14 A. Sure, let me get there. We've made 15 moves into many countries. Let me give you 16 an example. Abu Dhabi, we spent quite a bit 17 of time in the UAE. We've talked to many 18 different companies about doing very, very, 19 very major deals there. Also, in the UAE in 20 Dubai, we are partnered with Nikeel, 21 [phonetic] who is probably the largest 22 company in the UAE, in order to make a very 23 major license agreement with them for a very 24 well-publicized building that has launched, 25 being in itself a very, very big project.</p> | <p>1 E. F. TRUMP 2 of different languages for years, and years, 3 and years. I believe we're the second 4 longest running reality TV show in existence 5 right after Survivor. We have incredible 6 ratings. We're going on our 12th season, 7 which coincidentally we finished filming 8 yesterday.</p> <p>9 We have worldwide appeal as a 10 company. People know who we are overseas. 11 They understand my father was running for 12 the president of the United States. He's a 13 very, very public person. We are a very 14 public family. That's our interest in these 15 Web sites.</p> <p>16 Q. Okay. So it partially deals with 17 plans of real estate projects; is that 18 accurate?</p> <p>19 A. Yes, we use Web sites exactly like 20 the ones you registered to -- as our domain 21 names for projects all over the world, and I 22 can give you many examples of them, but 23 Trump Las Vegas is a great example, Trump 24 Chicago is a great example, Trump National 25 Golf Course is an example, Trump Scotland is</p> |
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1 E. F. TRUMP
 2 an example, Trump Hawaii, Trump Waikiki is
 3 an example, Trump National Golf Course, L.A.
 4 is an example, Trump.com is an example.
 5 Right now I believe we have over 800
 6 registered trademarks and several thousand
 7 Web domain names that are ours, and we
 8 register those specifically to prevent
 9 people from trying to capitalize on a
 10 business that we've grown and we've grown
 11 very successfully, and that's developed into
 12 a major corporation and a major brand.

13 Q. Okay. Since the at-issue domain
 14 names have geographical names in it, like
 15 India, Mumbai, Beijing, and Abu Dhabi, can
 16 you tell me if currently if you, Donald
 17 Trump, or the Trump Organization own any
 18 significant municipal land in those areas?

19 A. We have partnerships in those areas.

20 Q. But you don't own any municipal
 21 lands?

22 A. We don't own any municipal lands,
 23 no, but we are entering those areas in a
 24 very large way with very large projects.

25 Q. They are projects dealing with

1 E. F. TRUMP
 2 THE WITNESS: I don't think
 3 that's correct at all.
 4 BY MR. YUNG:
 5 Q. Can you elaborate why?
 6 A. We own trademarks in these
 7 countries. We've owned trademarks in these
 8 countries for many, many years --
 9 Q. Yeah, for the world --

10 MR. WEINBERGER: Let him answer
 11 his question. You can't speak over
 12 each other. She can't get that
 13 down.

14 THE WITNESS: -- and we use
 15 countries and places, given we're an
 16 international brand, its
 17 geographical locator to the project
 18 at hand. For instance, Trump
 19 Mumbai, we have a project in Mumbai.
 20 We are actively underway in
 21 developing something in Mumbai.
 22 Therefore, we use Trump, our name,
 23 and Mumbai, the locator, as a Web
 24 domain for the project, which is the
 25 exact reason we register Trump in

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1 E. F. TRUMP
 2 building towers, buildings, right?

3 A. Yes.

4 Q. Not developing like parks, or
 5 developing wide areas of real estate, or
 6 municipal real estate like that, right?

7 MR. WEINBERGER: Objection to
 8 form.

9 THE WITNESS: Our projects are
 10 very large. They oftentimes have
 11 other components aside from just
 12 residential or hotel components,
 13 commercial components to them. Many
 14 of those components, depending on
 15 the project, could be involved in
 16 the overall master plan, but
 17 generally they are high-rise
 18 buildings.

19 BY MR. YUNG:

20 Q. So the more accurate description for
 21 these could be like Trump Tower, like that,
 22 or Trump Hotel, like that, would be a better
 23 description of the projects, right?

24 MR. WEINBERGER: Objection to
 25 form.

1 E. F. TRUMP
 2 India. It's the reason we register
 3 Trump Mumbai as a trademark. It's
 4 the reason we go through this
 5 process as an international company.

6 BY MR. YUNG:

7 Q. Are you aware that the word is a
 8 generic English word trump. It has an entry
 9 that predates the birth of Donald Trump, the
 10 founding of the Trump Organization. The
 11 entry I'm mentioning is in Oxford English
 12 dictionary and Merriam Webster dictionary
 13 for the generic English word trump; are you
 14 aware of that?

15 MR. WEINBERGER: Objection to
 16 the form of the question. It's
 17 compound, and I just want to note
 18 for the record that Mr. Trump is not
 19 a lawyer, and "generic" has a legal
 20 meaning, and so I assume you're
 21 asking him the common meaning of the
 22 word generic, not in its legally
 23 operative term, which if you're
 24 going to try and ask about that, I
 25 suggest you establish foundation

[Page 19]

[Page 21]

[6] (Pages 18 to 21)

| | |
|---|--|
| <p>1 E. F. TRUMP 2 that he has knowledge. 3 MR. YUNG: Okay, but for right 4 now, can you answer that; are you 5 aware of that? 6 THE WITNESS: Trump is a word in 7 the English language. Gap is a word 8 in the English language, but yet 9 that is also trademarked all around 10 the country and all around the 11 world. 12 BY MR. YUNG: 13 Q. Well, they have a right to that 14 because it's the design of the word and a 15 mark. I guess you have a point there, but 16 you're aware that trump is an English word? 17 A. I said yes. 18 Q. Okay. Can you tell me, will you be 19 compensated more than usual if you're 20 successful in acquiring the at issue domain 21 names? 22 MR. WEINBERGER: Objection. 23 THE WITNESS: I don't need to 24 talk about my compensation 25 structure.</p> | <p>1 E. F. TRUMP 2 BY MR. YUNG: 3 Q. Can you describe your job 4 description and role in the Trump 5 Organization? 6 A. I'm executive vice president of 7 development and acquisitions. I handle many 8 of our projects across the board. My job 9 differs very much from day to day. One day 10 it could be building a building, the next 11 day it could be buying a golf course. It 12 very much depends on the day. 13 Q. So your role is changing all the 14 time; it has no definitive description? 15 A. Other than being an executive in the 16 firm, being responsible for development, new 17 acquisitions, projects underway, and 18 generally safeguarding the Trump name, the 19 Trump brand, our interest around the world, 20 that's my job. 21 Q. So how does it encompass this legal 22 litigation; how come your role -- I don't 23 understand how your description of your role 24 encompasses your handling of this legal 25 case?</p> |
| <p style="text-align: center;">[Page 22]</p> <p>1 E. F. TRUMP 2 BY MR. YUNG: 3 Q. Do you have a preference of which of 4 the four domain names have a higher priority 5 in trying to acquire? 6 MR. WEINBERGER: Objection. 7 THE WITNESS: They have no 8 priority for us. 9 BY MR. YUNG: 10 Q. Just all four have the same 11 priority? 12 A. These are major markets in the 13 world, which we have actively been 14 exploring, which we own the intellectual 15 property to in those various areas, and as 16 far as I'm concerned, they belong to us. 17 Q. So I'm asking, do you have a 18 priority on which one? 19 MR. WEINBERGER: Asked and 20 answered. 21 MR. YUNG: Huh? 22 MR. WEINBERGER: He's been asked 23 that question, and he's answered it 24 already. She can read it back to 25 you.</p> | <p style="text-align: center;">[Page 24]</p> <p>1 E. F. TRUMP 2 A. I think I just said part of my job 3 is to safeguard the Trump name around the 4 world. Part of that is to keep people from 5 trying to infringe on our name that we've so 6 successfully built, which I think is the 7 reason why we're here today. 8 Q. Okay. I would like to show you 9 something that I found on the Internet. 10 This was submitted as an exhibit. It's from 11 Wikipedia. Can you read -- 12 MR. WEINBERGER: Hold on a 13 second. You have to mark the 14 exhibit with the court reporter, and 15 since we have a verbal record, and 16 since the exhibit will be made part 17 of the deposition transcript, it 18 would be very helpful if we could 19 refer to it as Exhibit 1, which is 20 what she's just tagged it as. That 21 way we know what we're talking about 22 when we're reading the transcript. 23 MR. YUNG: Okay. 24 (Whereupon, the aforementioned 25 document was marked as</p> |

[Page 23]

[Page 25]

[7] (Pages 22 to 25)

1 E. F. TRUMP
 2 Plaintiff's Exhibit 1 for
 3 identification as of this date.)
 4 BY MR. YUNG:
 5 Q. For the record, can you read the
 6 circled part that goes into the next page?
 7 A. "As executive vice president of
 8 development and acquisitions, Trump is
 9 actively involved in all aspects of real
 10 estate development, both nationally and
 11 internationally. From acquisition and
 12 development to sales and marketing
 13 functions, he plays a pivotal role in more
 14 than 70 active real estate Trump projects
 15 around the world."
 16 "Most recently, Trump" -- and by the
 17 way, let me just interject, they are
 18 referring to me here -- "oversaw the
 19 acquisition of the Kluge, K-L-U-G-E, Winery
 20 and Vineyard in Charlottesville, Virginia,
 21 resulting in the development of Eric Trump
 22 Wine Manufacturing, LLC."
 23 "Alongside his father, Trump is also
 24 responsible for the expansion of the Trump
 25 National Golf Club portfolio of properties

1 E. F. TRUMP
 2 wrote that.
 3 Q. So I guess what's -- where does this
 4 job description deal with domain names,
 5 handling domain names?
 6 A. There are two sides of a business:
 7 There is the side that you put on Wikipedia,
 8 and there is a corporate oversight side,
 9 which is dealing with litigation, dealing
 10 with trademark infringement, dealing with
 11 H.R. matters, dealing with corporate
 12 compensation. There's probably a thousand
 13 things that I do as part of my job that's
 14 not here. Retail sales, I do a lot of that,
 15 actual condo sales, condo hotel. I mean, I
 16 could really go on and on.

17 You know, construction activities,
 18 compensation for employees, bonuses. None
 19 of that is featured on Wikipedia for obvious
 20 reasons. It's, first and foremost, dry.
 21 People don't want to hear about it, and
 22 people, I think, assume that if you're an
 23 executive at a company, that's part of your
 24 daily job responsibilities and job
 25 functions.

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[Page 28]

1 E. F. TRUMP
 2 and is involved in all construction, design,
 3 membership, marketing, and daily operations
 4 to ensure Trump's brand standards are met.
 5 Currently, Trump directly oversees Trump
 6 Golf properties in New York, New Jersey,
 7 Pennsylvania, Florida, and California."
 8 "Trump is a prominent fixture in
 9 business and has appeared as a speaker in
 10 international business and real estate
 11 conferences, as well as media outlets such
 12 as NBC, CNBC, FOX, FOX Business, and the New
 13 York Post to analyze or comment on economic
 14 and development matters affecting the global
 15 economy.

16 Trump is also a task advisor and
 17 boardroom judge on The Apprentice and The
 18 Celebrity Apprentice and was prominently
 19 featured this season on Donald J. Trump's'
 20 Fabulous World of Golf, which documents the
 21 "behind-the-scenes" workings of the Trump
 22 Organization and Trump Golf."

23 Q. Okay. So that describes pretty
 24 accurate your job description?

25 A. Incredibly accurate, yes. I think I

1 E. F. TRUMP
 2 Q. So when a new task comes up that's
 3 not in your description, you can basically
 4 change your description to encompass that to
 5 handle that situation?

6 MR. WEINBERGER: Objection.
 7 THE WITNESS: Absolutely.

BY MR. YUNG:

9 Q. So for this litigation handling by
 10 you, have you changed your job description
 11 to just suit yourself to handle the
 12 situation?

13 A. Not at all. Trademark infringement
 14 and trademark matters are something I
 15 handled since day one since I came into this
 16 company, and I work very closely with Alexis
 17 on a daily basis handling matters very much
 18 like this one.

19 Q. Can you mention a previous situation
 20 with you were handling a domain name
 21 situation?

22 A. I can't --

23 MR. WEINBERGER: Before you
 24 answer the question, the witness can
 25 identify specific disputes in a

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[8] (Pages 26 to 29)

| | |
|--|--|
| <p>1 E. F. TRUMP 2 brief summary, but I caution him not 3 to reveal the substance of an 4 attorney-client communication, and I 5 instruct him not to answer to the 6 extent answering this question 7 requires him to reveal the substance 8 of an attorney-client communication. 9 But if you can name the name of a 10 domain name you went after or a 11 trademark infringement matter at 12 that level, that's fine.</p> <p>13 MR. YUNG: Yeah, that's what I'm 14 asking.</p> <p>15 BY MR. YUNG:</p> <p>16 Q. Can you mention a previous domain 17 name that you were involved in?</p> <p>18 A. There's been many domain names, and 19 quite frankly, there's been many trademarks 20 that we've gone after over the years, and 21 many which have been very successful. 22 Again, I prefer not to mention which ones. 23 A lot of them were won. Fortunately, we 24 have a very good track record of winning 25 these because we are a very prominent brand.</p> | <p>1 E. F. TRUMP 2 A. It's a private company. 3 Q. It's always been a private company? 4 A. It's always been a private company. 5 Q. I see. For the sake of clarity, can 6 you tell me if it's the individual, Donald 7 Trump, or you, or the Trump Organization 8 that is trying to acquire the at-issue 9 domain names?</p> <p>10 MR. WEINBERGER: Objection to 11 the form of the question.</p> <p>12 THE WITNESS: Is the company as 13 a whole that's acquiring these 14 domain names?</p> <p>15 BY MR. YUNG:</p> <p>16 Q. The caption says the individual, 17 Donald Trump, but what I'm trying to clarify 18 is, is it Donald Trump that's trying to 19 acquire the at-issue domain names, or you, 20 or the Trump Organization?</p> <p>21 A. It is the company that's trying to 22 acquire these domain names. We are a 23 company that would benefit from the domain 24 names. We are a company that owns these 25 domain names. We are a company that's</p> |
| <p>[Page 30]</p> <p>1 E. F. TRUMP 2 In fact, I'm not sure if we've lost. People 3 recognize us as a worldwide brand, and a 4 major personality, and a major developer, 5 and a very large company, which is why we do 6 well. But unfortunately, this is standard 7 course of daily business for us, fighting 8 exactly these, so...</p> <p>9 Again, I don't know which ones are 10 subject to settlements. I don't know which 11 ones are subject to confidentiality. I 12 prefer not to mention them by name, but I 13 can tell you we have fought hundreds of 14 these. We have won hundreds of these. And 15 unfortunately, I think we'll continue to 16 have to fight these, certainly as long as 17 I'm around.</p> <p>18 Q. Okay. So you're saying that you 19 have handled domain name situations before?</p> <p>20 A. Dozens.</p> <p>21 MR. WEINBERGER: Objection.</p> <p>22 BY MR. YUNG:</p> <p>23 Q. Is the Trump Organization, the 24 company that you and your father work for, a 25 public or a private company?</p> | <p>1 E. F. TRUMP 2 already won, in the WIPO filing, these 3 domain names. It is the company that's 4 trying to acquire these domain names.</p> <p>5 Q. I would like to show you something, 6 Exhibit 2, I guess. 7 (Whereupon, the aforementioned 8 document was marked as 9 Plaintiff's Exhibit 2 for 10 identification as of this date.)</p> <p>11 BY MR. YUNG:</p> <p>12 Q. For the description of what you 13 see --</p> <p>14 MR. WEINBERGER: Hold on one 15 second. Let me look at the exhibit 16 before --</p> <p>17 MR. YUNG: For the description, 18 it's an e-mail sent --</p> <p>19 MR. WEINBERGER: Can you let him 20 look at it before you ask your 21 question? And I would like to note 22 that both this exhibit, Exhibit 2, 23 and the prior Exhibit 1, there is 24 handwriting on the agreement, which, 25 I believe, is the plaintiff pro</p> |

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[9] (Pages 30 to 33)

| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | se's, but I don't know -- | 2 | the form of the question. |
| 3 | MR. YUNG: It's just a circle to | 3 | THE WITNESS: This e-mail could |
| 4 | direct him to read it. | 4 | have just as easily said Eric Trump, |
| 5 | MR. WEINBERGER: I understand, | 5 | or it could have just as easily said |
| 6 | but it's your circle, right? | 6 | the Trump Organization. It could |
| 7 | MR. YUNG: Yeah. | 7 | have just as easily had one of our |
| 8 | MR. WEINBERGER: Just for | 8 | entities in there. At the end of |
| 9 | clarity. | 9 | the day, we are one organization, we |
| 10 | BY MR. YUNG: | 10 | are a family company. Having Donald |
| 11 | Q. For description's sake, it's a | 11 | J. Trump in here, or the Trump |
| 12 | letter sent to sporting202@yahoo.com by | 12 | Organization, or Eric Trump, for |
| 13 | Alexis Robinson. Can you read the -- | 13 | that matter, wouldn't have changed |
| 14 | MR. WEINBERGER: Objection. | 14 | the substance of this e-mail one |
| 15 | That's not what this is. | 15 | bit. |
| 16 | MR. YUNG: Can I see that? | 16 | BY MR. YUNG: |
| 17 | Right, I'm sorry, correction, by | 17 | Q. So you can easily say Eric Trump and |
| 18 | Todd Martin, a lawyer from your law | 18 | somebody, be it your lawyers or your |
| 19 | firm. | 19 | employees, will be using your father's name |
| 20 | BY MR. YUNG: | 20 | or your name freely in litigations; is that |
| 21 | Q. This is an e-mail sent to | 21 | what you're describing? |
| 22 | sporting202@yahoo.com. Can you read the | 22 | MR. WEINBERGER: Objection. |
| 23 | encircled? | 23 | THE WITNESS: The complaint |
| 24 | A. "Enclosed please find an electronic | 24 | could have very well come from me, |
| 25 | copy of a complaint by Donald J. Trump | 25 | it could have come from the Trump |

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| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | pursuant to ICANN's domain name dispute | 2 | Organization, or it could have come |
| 3 | resolution policy, the modified rules, and | 3 | from my father. Again, we're a |
| 4 | WIPO's new supplemental rules concerning the | 4 | family company. It's really coming |
| 5 | domain names, TrumpIndia.com, | 5 | from -- |
| 6 | TrumpMumbai.com, TrumpBeijing.com, and | 6 | BY MR. YUNG: |
| 7 | TrumpAbu Dhabi.com." | 7 | Q. So employees can freely use your |
| 8 | Q. At this point when the e-mail was | 8 | father's name, the Trump Organization's |
| 9 | sent, were you aware of what was going on? | 9 | name, and your name in legal letters and so |
| 10 | MR. WEINBERGER: Objection, | 10 | forth like that? |
| 11 | foundation. | 11 | A. Depending on who they are |
| 12 | THE WITNESS: I don't see the | 12 | representing, absolutely, because it's |
| 13 | date on this e-mail. December 17th? | 13 | really one and the same. |
| 14 | BY MR. YUNG: | 14 | Q. Were you aware if any permission was |
| 15 | Q. Right. | 15 | granted by Donald J. Trump to use his name |
| 16 | A. I don't recall. I would assume so, | 16 | in this arbitration claim? |
| 17 | but I don't recall. | 17 | MR. WEINBERGER: Objection. |
| 18 | Q. Okay. My question -- I guess you | 18 | BY MR. YUNG: |
| 19 | can't answer the question, but I'm still | 19 | Q. Well, I'm asking was permission |
| 20 | going to ask it any way. Why did the e-mail | 20 | given by Donald J. Trump to use his name in |
| 21 | state the individual, Donald J. Trump, and | 21 | the caption of the arbitration claim and in |
| 22 | not the Trump Organization, as you mentioned | 22 | this e-mail? |
| 23 | previously, that's trying to acquire the | 23 | A. Alexis and Todd from outside |
| 24 | at-issue domain names? | 24 | counsel, they are either employees of ours |
| 25 | MR. WEINBERGER: Objection to | 25 | or they are law firms that we retain to |

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[10] (Pages 34 to 37)

| | |
|---|---|
| <p>1 E. F. TRUMP 2 enforce, and if not to enforce, but to work 3 for us in resolving matters like this. They 4 could use my name in doing so. They could 5 use my father's name in doing so. They work 6 for our corporate entity, and yes, they have 7 full permission to use my father's name, 8 they have full permission to use my name, 9 and they have full permission to use the 10 Trump Organization if they wanted to in, 11 again, protecting us in legal matters such 12 as the one we're talking about right now.</p> <p>13 Q. I see, okay. Were you aware of 14 Donald Trump, Jr. visiting India?</p> | <p>1 E. F. TRUMP 2 as to the legally operative when 3 rights acquired, okay? 4 BY MR. YUNG: 5 Q. Are you going to attempt to answer 6 the question? 7 A. Sure. I think you're grossly 8 simplifying it by saying one visit entitles 9 us to rights. What entitles us to rights is 10 years and years of intellectual property 11 filings, Web sites that we have, business 12 ventures that we're done in these countries, 13 business ventures that we're currently doing 14 in these countries, registered trademarks 15 that we own in these various places, and so 16 on and so forth.</p> |
|---|---|

15 MR. WEINBERGER: Objection, time
 16 frame.
 17 BY MR. YUNG:
 18 Q. Were you aware of his trip --
 19 because in your arbitration claim, you --
 20 the arbitration claim describes that because
 21 of him visiting India, making plans and so
 22 forth, Donald Trump should have rights to
 23 the at-issue domain names, so I'm asking,
 24 are you aware of Donald Trump, Jr.'s visit
 25 to India?

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| <p>1 E. F. TRUMP 2 A. Yes. 3 Q. What days were those? 4 A. I would not know off the top of my 5 head. 6 Q. Okay. 7 A. I will say that we've spent 8 substantial amount of time in India. 9 Q. I'm just going to ask you why a 10 visit to India would give your party the 11 rights to the at-issue domain names; just 12 visiting India, you have rights to all four 13 at-issue domain names?</p> | <p>1 E. F. TRUMP 2 Q. Okay. I'm going you to ask you, are 3 you aware or cognizant of the popularity of 4 the Web sites that's on the at-issue domain 5 names? 6 MR. YUNG: For the sake of 7 clarity, this is a technical 8 interruption with the memory card of 9 the video, so I have switched the 10 video card. 11 BY MR. YUNG: 12 Q. So to continue, do you still 13 remember the question I asked or do you not? 14 To repeat, are you aware of or cognizant of 15 the popularity of the Web sites that's on 16 the at-issue domains? 17 MR. WEINBERGER: Objection, 18 foundation. 19 THE WITNESS: I don't, 20 unfortunately, know what that means. 21 BY MR. YUNG: 22 Q. The popularity, like people visiting 23 the Web sites a lot. 24 MR. WEINBERGER: Same objection. 25 You haven't established that he's</p> |
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| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | seen the Web sites. | 2 | understanding of parody is. |
| 3 | BY MR. YUNG: | 3 | A. Parity is fairness, it's connection. |
| 4 | Q. Have you seen the Web sites yet? | 4 | MR. WEINBERGER: I'm sorry, I |
| 5 | A. I have seen one of them. | 5 | think we have a linguistic |
| 6 | Q. Which one? | 6 | disconnect. I think he's asking |
| 7 | A. I believe it's TrumpIndia.com. | 7 | parody, P-A-R-O-D-Y, not parity, |
| 8 | Q. I see. Can you describe what you | 8 | like there's parity in baseball, the |
| 9 | saw? | 9 | other parody. |
| 10 | A. I saw a Web site that was | 10 | THE WITNESS: What's |
| 11 | capitalizing on the Trump name. | 11 | P-A-R-O-T-Y? |
| 12 | Q. I'm asking about the content, not | 12 | MR. WEINBERGER: O-D-Y. |
| 13 | your description of -- | 13 | MR. YUNG: P-A-R-O-D-Y. |
| 14 | A. I saw a Web site that was | 14 | THE WITNESS: What's parody? |
| 15 | capitalizing on the Trump name that had some | 15 | BY MR. YUNG: |
| 16 | inflammatory statements. | 16 | Q. You don't know what parody is? |
| 17 | Q. Such as? | 17 | A. Not in this context, no. |
| 18 | A. Talking about Apprentice ratings, | 18 | Q. Have you seen Saturday Night Live |
| 19 | and I don't even think that the ratings you | 19 | where your father appears to be in a comic |
| 20 | put on there were true, having some mock | 20 | skit, and there is another actor -- |
| 21 | video of my father pulled from You Tube. | 21 | A. That's acting. |
| 22 | Overall I thought it was pretty distasteful. | 22 | Q. Try to imagine that as humor, to |
| 23 | Q. Do you know the term what parody | 23 | imitate another personality. |
| 24 | means? | 24 | A. Sure. |
| 25 | MR. WEINBERGER: The same | 25 | Q. I guess that's trying to describe |

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| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | objection that I had given before. | 2 | what parody is, as a comical situation where |
| 3 | Parody has a legally operative term. | 3 | you imitate somebody just for the humor of |
| 4 | The witness can answer that as a | 4 | it. |
| 5 | non-lawyer, that's fine. But I want | 5 | MR. WEINBERGER: Are you asking |
| 6 | to make clear on the record that | 6 | him a question? |
| 7 | he's not an attorney -- | 7 | MR. YUNG: He's asking me a |
| 8 | THE WITNESS: Why don't you | 8 | question, so I have to define -- |
| 9 | rephrase the question and ask it in | 9 | THE WITNESS: Again, I just -- I |
| 10 | a different way? | 10 | don't know where this is going, |
| 11 | BY MR. YUNG: | 11 | so you just tell me. |
| 12 | Q. Do you know what parody is? | 12 | BY MR. YUNG: |
| 13 | MR. WEINBERGER: Same objection. | 13 | Q. So right now as I described to you, |
| 14 | THE WITNESS: Just rephrase the | 14 | do you understand what parody is? |
| 15 | question. | 15 | A. Of course, somebody mocking somebody |
| 16 | BY MR. YUNG: | 16 | else for their benefit, yes. |
| 17 | Q. Do you know what parody is? | 17 | Q. Okay. I have something to show you |
| 18 | A. Yes. | 18 | as well. This is, I guess, what we can call |
| 19 | Q. Can you elaborate on what your | 19 | Exhibit 3. |
| 20 | understanding is? | 20 | MR. WEINBERGER: Mr. Yung, have |
| 21 | A. If you have parity -- I don't | 21 | you turned this over to us? |
| 22 | understand in the context of what we're | 22 | MR. YUNG: It's also part of |
| 23 | talking about right now. | 23 | exhibits in my opposition, it's part |
| 24 | Q. Parody just in parody, do you -- I | 24 | of the exhibits. |
| 25 | just want to ascertain what your | 25 | MR. WEINBERGER: So yes, we have |

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[12] (Pages 42 to 45)

| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | it? | 2 | A. "About trumpet skirt" is another |
| 3 | MR. YUNG: Yeah. | 3 | one. |
| 4 | MR. WEINBERGER: Okay, thank | 4 | Q. So are you aware of the idea that's |
| 5 | you. | 5 | behind what I'm showing you? |
| 6 | (Whereupon, the aforementioned | 6 | MR. WEINBERGER: Objection. |
| 7 | document was marked as | 7 | THE WITNESS: "About Donald |
| 8 | Plaintiff's Exhibit 3 for | 8 | Trump," T-R-U-M-P-H. Yes, I am |
| 9 | identification as of this date.) | 9 | aware that these clearly have the |
| 10 | THE WITNESS: I assume these are | 10 | trump name in them. |
| 11 | just domain names. | 11 | BY MR. YUNG: |
| 12 | MR. YUNG: For the proper | 12 | Q. Right. So we can establish that |
| 13 | description, this is a Web site that | 13 | there's over 10,000 of these domain names |
| 14 | lists registered Web sites that | 14 | that contains the word trump in it. I would |
| 15 | contains some words. | 15 | like to ask you, do you intend to make |
| 16 | MR. WEINBERGER: I just want to | 16 | claims on these domain names, like |
| 17 | note that's what the plaintiff pro | 17 | trumpet.com? |
| 18 | se is characterizing it as. I don't | 18 | MR. WEINBERGER: Object to the |
| 19 | know what it is or what -- | 19 | question. You've told the witness |
| 20 | MR. YUNG: It's a tool on the | 20 | that there are 10,000 names. |
| 21 | Internet to find domain names that | 21 | MR. YUNG: Over. |
| 22 | contain some words. | 22 | MR. WEINBERGER: You've told the |
| 23 | MR. WEINBERGER: I understand | 23 | witness that there are over 10,000 |
| 24 | that you're telling him that, but if | 24 | names. |
| 25 | a witness is going to testify as to | 25 | MR. YUNG: It's listed in there. |

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| | | | |
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| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | a document, he either knows what it | 2 | MR. WEINBERGER: The list on |
| 3 | is or he doesn't. He has to tell | 3 | Exhibit 3 only shows -- |
| 4 | you that. You can't tell him what | 4 | MR. YUNG: In the top it says |
| 5 | it is or isn't. You can tell what | 5 | that there's over 10,000 entries. |
| 6 | you think it is, but -- | 6 | MR. WEINBERGER: I understand |
| 7 | THE WITNESS: I assume they are | 7 | the document speaks for itself. On |
| 8 | domain names. Go ahead. | 8 | the first page, it says, "Showing |
| 9 | BY MR. YUNG: | 9 | one to 100 of approximately 4,744." |
| 10 | Q. There are like over 10,000 domain | 10 | The second page -- the second |
| 11 | names using that Web site that shows like | 11 | collection of documents, which is |
| 12 | domain names that contains the word trump or | 12 | the query that asks to include any |
| 13 | contains the spelling trump. I didn't print | 13 | domain names that includes trump |
| 14 | out all 10,000 but the first two pages. | 14 | somewhere in it says, "One to 100 of |
| 15 | There are two queries in there. The first | 15 | approximately 18,000." But these |
| 16 | is "Donald Trump" and another query was | 16 | lists that are on Exhibit 3 show two |
| 17 | "containing trump." Do you see on the right | 17 | separate lists of 100 names. I only |
| 18 | side it lists out all the TLDs or .com .net, | 18 | wanted to note that for the record. |
| 19 | and so forth like that? So those are | 19 | You can ask him about 10,000 all you |
| 20 | previously registered, or currently | 20 | want, but the document says what it |
| 21 | registered, or active domain names and | 21 | says. |
| 22 | contains the word trump. | 22 | BY MR. YUNG: |
| 23 | A. "About a trumpet" is one of them. | 23 | Q. Okay. So this is going to show that |
| 24 | "About trumpets" is another one. | 24 | you can go to the Web site any time to get |
| 25 | Q. So you see a lot -- | 25 | the same queries again which would show the |

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[13] (Pages 46 to 49)

1 E. F. TRUMP
 2 10,000 domains names, over 10,000 domain
 3 names. So back to my question, since there
 4 are over 10,000 domain names that contains
 5 the word trump, do you have any intentions,
 6 or your Trump Organization, or Donald Trump,
 7 have any plans to make claims on these
 8 domain names, like trumpet.com?

9 MR. WEINBERGER: Same objection.
 10 Go ahead.

11 THE WITNESS: Of course not
 12 because trumpet.com is not relevant
 13 to our business. It's not relevant
 14 to the intellectual property that we
 15 own. We will go after the trade
 16 names that are trying to benefit
 17 from our name and use our name for
 18 the interest of their own business.
 19 We will go after those, and we will
 20 shut them down, and we have done so
 21 very successfully. Many of these
 22 aren't even remotely relevant as
 23 they pertain to our business. And
 24 quite frankly, you could go after
 25 domain names until you're blue in

1 E. F. TRUMP
 2 THE WITNESS: I think it's
 3 pretty far-fetched.
 4 BY MR. YUNG:
 5 Q. If the content has materials that
 6 parody the Trump Organization or assets of
 7 Donald J. Trump, will you go after that
 8 because of the content?

9 MR. WEINBERGER: Objection.
 10 THE WITNESS: Yes, we would. If
 11 it was trying to benefit from our
 12 name, and we own Trump, and I
 13 believe we own Trump Entertainment,
 14 albeit that the attorneys can answer
 15 that question for you, so I think we
 16 would have that intellectual
 17 property regardless, yes, we would
 18 go after it.

19 BY MR. YUNG:
 20 Q. So TrumpET, interpreted it that way,
 21 you would be interested in that domain name,
 22 in acquiring that, for your purposes of
 23 illustrating materials related to Trump
 24 Entertainment?

25 A. I think we would go after Trump

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1 E. F. TRUMP
 2 the face, and there would be no
 3 point going after "trump/hR." That
 4 has no relevance to our business nor
 5 are they capitalizing off our name
 6 in their own self interest. So we
 7 would not go after a trade name like
 8 that, but we would go after ones
 9 that are actively trying to extort
 10 us, actively trying to hold us up
 11 very much like the ones in this
 12 case, actively trying to name Web
 13 sites in the exact same way as we
 14 name our Web sites, which is the
 15 Trump name, which is owned
 16 intellectual property in conjunction
 17 with a place that we are doing
 18 business, as in Mumbai, or as in Abu
 19 Dhabi, or as in India, or China, or
 20 New York City, or any of the other
 21 ones that we own.

22 BY MR. YUNG:

23 Q. Do you agree that trumpet.com can be
 24 interpreted as Trump Entertainment, ET.com?

25 MR. WEINBERGER: Objection.

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1 E. F. TRUMP
 2 Entertainment.
 3 Q. Not TrumpET?
 4 A. We would only go after TrumpET if it
 5 was -- we probably wouldn't need TrumpET
 6 unless it was hurting our brand, unless
 7 somebody was trying to use it at the
 8 detriment of our company and to make money
 9 based on a company that we built ourself.

10 Q. Can you tell me how many domain
 11 names are you planning to acquire on behalf
 12 of Donald Trump or the Trump Organization?

13 MR. WEINBERGER: Objection.

14 THE WITNESS: I would have no
 15 way of even being able to quantify
 16 that. I can tell you I have
 17 acquired thousands of them.

18 BY MR. YUNG:

19 Q. So your plans, maybe you can't
 20 quantify them, about 10, about 100, about
 21 500, like a ballpark feel?

22 MR. WEINBERGER: You asked and
 23 he answered he couldn't answer that
 24 question.

25 THE WITNESS: We acquire

[Page 53]

[14] (Pages 50 to 53)

| | |
|--|--|
| 1 E. F. TRUMP | 1 E. F. TRUMP |
| 2 thousands of domain names. | 2 knows that he has a team of qualified people |
| 3 BY MR. YUNG: | 3 including myself, including Alexis, |
| 4 Q. I guess you may have answered it, so | 4 including the team from Fross Zelnick who |
| 5 I'll skip to other ones. Do you know what | 5 protect his intellectual property on a daily |
| 6 political free speech means? | 6 basis. |
| 7 A. Yes, I do. | 7 Q. So he may not even be aware of this |
| 8 Q. Can you elaborate on that? | 8 litigation; is that what you're inferring or |
| 9 A. Political free speech is the right | 9 implying? |
| 10 to say what you want. | 10 A. I'm saying that my father defers to |
| 11 Q. That's it? | 11 me to handle this kind of litigation on his |
| 12 A. Yeah, it's the freedom of speech. | 12 behalf. |
| 13 Q. When were you aware of the parody | 13 Q. So I'm asking you specifically he |
| 14 and political free speech contents that are | 14 may not be aware of this litigation? |
| 15 on the Web sites of the at-issue domain | 15 A. That's correct. And by the way, let |
| 16 names? | 16 me interject, if my father knew about every |
| 17 MR. WEINBERGER: Objection. | 17 single one of the litigations like this -- |
| 18 THE WITNESS: When was I aware | 18 Q. You just said that -- |
| 19 of -- | 19 MR. WEINBERGER: Let him finish |
| 20 BY MR. YUNG: | 20 his answer. |
| 21 Q. When were you made aware of the | 21 THE WITNESS: If my father knew |
| 22 parody and political free speech content? | 22 about every litigation like this |
| 23 A. I think I would be aware of it when | 23 that the company faces on a daily |
| 24 I visited the Web site. | 24 basis, he wouldn't be able to sleep |
| 25 Q. When was that? | 25 at night. |

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| | |
|---|--|
| 1 E. F. TRUMP | 1 E. F. TRUMP |
| 2 A. I believe it was today. | 2 BY MR. YUNG: |
| 3 Q. Just today? | 3 Q. Okay. So are you aware if the |
| 4 A. Correct. | 4 individual, Donald Trump, gave permission to |
| 5 Q. So overall during this legal | 5 anybody to use his name in any legal |
| 6 dispute, you went to the Web site just | 6 dispute, more specifically did he give |
| 7 today? | 7 permission to anyone to use his name for |
| 8 A. No. My attorneys went to the Web | 8 this legal dispute because it's in the |
| 9 site. | 9 caption of the arbitration claim and the |
| 10 Q. But I was asking you. | 10 caption of the counterclaims. |
| 11 A. I visited it in anticipation of | 11 MR. WEINBERGER: Objection, |
| 12 today to see what was on there, but | 12 compound question. |
| 13 obviously I knew what was on the Web site. | 13 THE WITNESS: That's too broad. |
| 14 Q. Okay. Can you let me know, does the | 14 I don't know what that means. Has |
| 15 individual, Donald Trump, know about the | 15 Donald Trump ever given somebody |
| 16 at-issue domain names? | 16 permission to use his name? I don't |
| 17 A. He entrusts me to take care of | 17 know what that means. |
| 18 issues like this on his behalf. | 18 BY MR. YUNG: |
| 19 Q. So you're not even sure if he knows | 19 Q. Because when he filed the |
| 20 about it. | 20 arbitration claim, in the caption it was |
| 21 A. He knows. He has a team of | 21 Donald J. Trump, not Trump Organization and |
| 22 qualified employees. | 22 not Eric Trump. So I'm asking did he give |
| 23 Q. But I'm asking you, does he know | 23 permission to anybody, to you, to Alexis |
| 24 about it, he himself? | 24 Robinson, or Todd Martin to use his name? |
| 25 A. Let me answer your question. He | 25 A. I have full permission, as his son, |

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[15] (Pages 54 to 57)

1 E. F. TRUMP
 2 to protect the Trump family name, and that's
 3 part of my job, that's part of my job
 4 description, which you already established
 5 earlier in the deposition.

6 Q. So you can't answer that?
 7 A. I have full permission to use his
 8 name, and defend his name, and defend the
 9 Trump family name against people who
 10 infringe on intellectual property that we
 11 own. I couldn't be more clear about that.

12 Q. Sure, sir. Okay. It appears that
 13 your party in this litigation delayed over
 14 three years since your initial registration
 15 of the domain names. Can you explain why is
 16 that?

17 MR. WEINBERGER: Objection,
 18 foundation.

19 THE WITNESS: We handle domain
 20 name intellectual property
 21 infringement as soon as we become
 22 aware of it. I believe we tried to
 23 handle this one amicably by coming
 24 to you and asking for the domains
 25 back. I think when you said no, we

1 E. F. TRUMP
 2 alone. You can't expect any company of our
 3 size to register every single permutation of
 4 every single domain name. I think you would
 5 agree.

6 Q. I have no opinion on that.
 7 A. I didn't think so.

8 Q. It also appears that your party used
 9 delay tactics when your party delayed
 10 another three months after your initial
 11 telephone conference in October 2010 and
 12 then waited, the delay tactics, waited
 13 another three months until December 2010 to
 14 file your arbitration claim. Why is that?

15 MR. WEINBERGER: Objection to
 16 the form of the question, and object
 17 to the use of "delay tactics." If
 18 you want to ask him a question about
 19 when something was done and when
 20 something else was done, that's
 21 fine, but there is no reason to
 22 bring that kind of characterization
 23 to a question.

24 THE WITNESS: I can assure you
 25 we don't use delay tactics. When

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[Page 60]

1 E. F. TRUMP
 2 did a WIPO filing. We effectively
 3 won that. Obviously this is an
 4 appeal. This has been going on for
 5 some time. As soon as we found out
 6 about the infringement, we acted on
 7 it as we do with any infringement
 8 that we feel is detrimental toward
 9 our company.

10 BY MR. YUNG:

11 Q. Why didn't you register the domain
 12 names right at the moment when Donald Trump,
 13 Jr. visited India?

14 A. We register domain names all the
 15 time. In fact, I would even argue that
 16 preemptively registering domain names could
 17 potentially allude to newspaper, press that
 18 you're coming into a market, and sometimes
 19 you don't want to have that happen when you
 20 want to quietly enter a market and come up
 21 with something big before you launch that.

22 We register domain names all the
 23 time. I think, in fact, you're the first
 24 one to say that there are over 10,000 trump
 25 domain names just that you've printed out

1 E. F. TRUMP
 2 somebody is infringing on our
 3 rights, we go after them, we file,
 4 we normally try to solve it
 5 amicably. We normally do a very
 6 good job doing so. When we can't do
 7 that, obviously we use other means
 8 to get out intellectual property
 9 back. That's exactly what happened
 10 here.

11 BY MR. YUNG:

12 Q. But my question was, why was there a
 13 delay of three months from the initial
 14 conference in October of 2010 and until
 15 December 2010; why was there a delay?

16 MR. WEINBERGER: Objection,
 17 foundation.

18 THE WITNESS: I don't know the
 19 delay you're referring to. We
 20 handle intellectual property matters
 21 as they come across our desk. We
 22 handle them efficiently, we handle
 23 many of them, and we handle them in
 24 due course with our business.

25 BY MR. YUNG:

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[Page 61]

[16] (Pages 58 to 61)

| | | | |
|----|--|----|---|
| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | Q. Tell me when did you become aware of | 2 | legal actions? |
| 3 | the at-issue domain names? | 3 | A. The second it hurts our name. |
| 4 | A. When this all started. | 4 | Q. Do you know the month and a year? I |
| 5 | Q. Can you describe a ballpark feel of | 5 | can understand you don't remember the day of |
| 6 | what year and month? | 6 | the month but what about the month and the |
| 7 | A. I wouldn't know off the top of my | 7 | year? |
| 8 | head. We have regular meetings about issues | 8 | A. I have answered this question three |
| 9 | exactly like the one we're talking about | 9 | times. I'm happy to do it again. We deal |
| 10 | right now. | 10 | with hundreds of these issues just like the |
| 11 | Q. You cannot give a ballpark feel of | 11 | one that we have in front of us today. Most |
| 12 | when you were made aware of the at-issue | 12 | of them, we solve amicably. The other ones, |
| 13 | domain names? | 13 | we take to court, and quite frankly, we |
| 14 | MR. WEINBERGER: Asked and | 14 | usually win because we're a very well-known |
| 15 | answered. | 15 | company, and unfortunately, people try and |
| 16 | THE WITNESS: I have no idea of | 16 | do this all the time. They all blend |
| 17 | the exact month. I wouldn't even | 17 | together. We deal with hundreds of these. |
| 18 | know the year. We deal with so many | 18 | I can't tell you the exact month. I can't |
| 19 | of these unfortunately. | 19 | even tell you probably the year that this |
| 20 | BY MR. YUNG: | 20 | started or I became involved. |
| 21 | Q. So let me ask you, when did you take | 21 | Q. So you're basically responsible for |
| 22 | responsibility in handling this legal | 22 | the arbitration claims and the counterclaims |
| 23 | matter? | 23 | in this legal dispute? |
| 24 | MR. WEINBERGER: Objection. | 24 | MR. WEINBERGER: Objection. |
| 25 | THE WITNESS: I have a team of | 25 | THE WITNESS: Yes, I am the |

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[Page 64]

| | | | |
|----|--|----|--|
| 1 | E. F. TRUMP | 1 | E. F. TRUMP |
| 2 | very capable people. They handle | 2 | person in my company responsible for |
| 3 | legal matters just like this who | 3 | arbitration claims, litigation |
| 4 | report to me on a weekly and monthly | 4 | claims as it relates to intellectual |
| 5 | basis or really as needed. They | 5 | property. |
| 6 | took responsibility for this matter. | 6 | BY MR. YUNG: |
| 7 | They saw that it was infringing, | 7 | Q. Do you know what were the days that |
| 8 | that it was trying to use the Trump | 8 | the at-issue domain names were registered? |
| 9 | name in an inappropriate way and | 9 | MR. WEINBERGER: Objection. |
| 10 | infringe on what we own and | 10 | THE WITNESS: I have no idea. |
| 11 | rightfully own, and they took action | 11 | BY MR. YUNG: |
| 12 | of that. And obviously, I'm | 12 | Q. What about when you realized -- when |
| 13 | informed every step of the way, so I | 13 | did you realize that these domain names were |
| 14 | was involved from the very | 14 | registered? |
| 15 | beginning. | 15 | MR. WEINBERGER: Objection. |
| 16 | BY MR. YUNG: | 16 | THE WITNESS: I have no idea. |
| 17 | Q. But you cannot tell me the exact | 17 | BY MR. YUNG: |
| 18 | month or the year? | 18 | Q. Do you think your father, Donald |
| 19 | MR. WEINBERGER: Asked and | 19 | Trump, is setting you up as a scapegoat in |
| 20 | answered. | 20 | this case so he can protect his older son, |
| 21 | THE WITNESS: Unfortunately, | 21 | Donald Trump, Jr.? |
| 22 | these all blend together. | 22 | MR. WEINBERGER: Objection. |
| 23 | BY MR. YUNG: | 23 | THE WITNESS: Protect my older |
| 24 | Q. Can you tell me when did you begin | 24 | brother? |
| 25 | to direct your employees or lawyers to take | 25 | BY MR. YUNG: |

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[17] (Pages 62 to 65)

| | |
|---|---|
| <p>1 E. F. TRUMP 2 Q. Let me elaborate. He mentioned and 3 promoted in the arbitration claim Donald 4 Trump, Jr. as being the executive vice 5 president of the company and taking matters, 6 business matters, in his own hands in going 7 to India representing the Trump 8 Organization, promoting his personality, 9 promoting his business acumen in the 10 arbitration claims. 11 Now, suddenly he's out of the 12 picture in the counterclaims, in documents 13 submitted by your counsel, and now -- right 14 now in this discovery process, suddenly you 15 came into the picture stating that you're 16 the one whose taking care of all these 17 situations, legal claims, and so forth. So 18 I'm just asking you, do you think your 19 father, Donald Trump, is setting you up as a 20 scapegoat on this legal case so he can 21 protect his older son, Donald Trump, Jr.? 22 MR. WEINBERGER: Objection to 23 the form of the many questions that 24 were just asked. 25 THE WITNESS: How did I know</p> | <p>1 E. F. TRUMP 2 handle, because he happened to take 3 a trip over there, in fact, we've 4 taken many trips or he's taken many 5 trips over there, and the rest of my 6 family has taken many trips over 7 there, and the executives of our 8 organization have taken many trips 9 over there, and we're working on 10 projects over there, I think is 11 quite frankly off base.</p> |
| <p>12 BY MR. YUNG: 13 Q. Okay. So what you're trying to say 14 is because you've taken many trips to 15 locations that contains the domain names, 16 the at-issue domain names, therefore, it 17 gives you rights to the at-issue domain 18 names?</p> | <p>19 MR. WEINBERGER: Objection. The 20 witness' testimony is what he said. 21 It's in the record, and the reporter 22 can read it back if you want, but 23 you shouldn't characterize what he 24 said.</p> |
| <p>25 THE WITNESS: Aside from that,</p> | <p>26 [Page 68]</p> |

| | |
|--|---|
| <p>1 E. F. TRUMP 2 that was coming? Let me start by 3 saying, I made it very clear at the 4 beginning of this deposition that 5 I'm responsible for intellectual 6 property in the Trump Organization. 7 I went on record, I said it under 8 oath. That is a fact. There is no 9 one setting anybody up for this. 10 Second of all, I find it 11 interesting that you specifically 12 refer to Trump India when I have 13 spent tremendous amount of time in 14 Asia, I have spent a tremendous 15 amount of time in China, Trump 16 Beijing, using the example. I have 17 spent a tremendous amount of time in 18 Abu Dhabi. I've spent a tremendous 19 amount of time in the UAE, all other 20 domain names that you happen to own 21 and happen to be cybersquatting. So 22 to say that my brother went over to 23 India and is, therefore, responsible 24 for a domain name, which is 25 something in the company that I</p> | <p>1 E. F. TRUMP 2 I've already mentioned earlier that 3 aside from doing many business trips 4 to these places, having projects in 5 many of those locations, we also 6 have many other business interests 7 in these countries, in these areas 8 around the world.</p> |
| <p>16 I have spoken to The Apprentice, 17 I have spoken to books, I have 18 spoken to major high-rises that are 19 either in the works or had been 20 announced in many of the places that 21 really are in question as part of 22 this. 23 The Apprentice has been 24 translated into literally dozens of 25 languages so have the books. Miss Universe has been in every single one of these countries. In fact many of these countries have done very well in Miss Universe and every single year vie to try and get Miss Universe in their country. We have executives from every branch of our</p> | <p>16 I have spoken to The Apprentice, 17 I have spoken to books, I have 18 spoken to major high-rises that are 19 either in the works or had been 20 announced in many of the places that 21 really are in question as part of 22 this. 23 The Apprentice has been 24 translated into literally dozens of 25 languages so have the books. Miss Universe has been in every single one of these countries. In fact many of these countries have done very well in Miss Universe and every single year vie to try and get Miss Universe in their country. We have executives from every branch of our</p> |

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[18] (Pages 66 to 69)

1 E. F. TRUMP
 2 organization over in these countries
 3 on a very regular basis.
 4 So yes, we travel there. We
 5 travel there for business. We
 6 travel there for all our ventures.
 7 We travel there extensively. The
 8 media covers us extensively. Even
 9 when we're not there, the media is
 10 covering us in these countries. I
 11 could not be more clear that we've
 12 got ongoing business ventures in
 13 virtually every single place that
 14 you've mentioned and virtually
 15 almost every place around the world.

16 BY MR. YUNG:

17 Q. Okay. Let me ask you, who else are
 18 you aware of that's intimately involved in
 19 this legal dispute?

20 A. Myself, Alexis Robinson, and our
 21 team from Fross Zelnick.

22 Q. Anybody else in the Trump
 23 Organization?

24 A. No.

25 Q. Okay. I guess that's all my

1 E. F. TRUMP
 2 Q. No more questions.
 3 (Whereupon, at 2:06 p.m., the
 4 examination of this witness was
 5 concluded.)

ERIC F. TRUMP

10 Subscribed and sworn to before me
 11 this ____ day of _____, 2011.

NOTARY PUBLIC

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[Page 72]

1 E. F. TRUMP
 2 questions.
 3 MR. WEINBERGER: Can we take a
 4 break. I have a few questions for
 5 Mr. Trump.
 6 (Whereupon, a recess was taken.)

7 CROSS-EXAMINATION

8 BY MR. WEINBERGER:

9 Q. Mr. Trump, I think you testified
 10 earlier in response to one of the
 11 plaintiff's questions that you became aware
 12 of the, "free speech and parody" on his Web
 13 site when you looked at it. Do you recall
 14 that testimony?

15 A. I became aware of the Web site when
 16 I looked at it, clearly not free speech.

17 Q. Can you explain?

18 A. When I looked at his Web site, it's
 19 the first time I became aware of the
 20 content. Quite frankly, I thought the
 21 content was inflammatory, you know, defamed
 22 us but certainly not as it pertains to free
 23 speech.

24 (Continued on next page
 25 to include jurat.)

1 I N D E X
 2
 3 WITNESS EXAMINATION BY PAGE
 4 Mr. Trump Mr. Yung 6
 5 Mr. Weinberger 71

7 E X H I B I T S
 8 PLAINTIFF'S DESCRIPTION PAGE
 9 1 Wikipedia entry 25
 10 2 E-mail from Mr. Martin 33
 11 3 DomainTools document 46

12
 13 I N S E R T S
 14 DESCRIPTION PAGE/LINE
 15 None

16
 17 R E Q U E S T S F O R P R O D U C T I O N
 18 DESCRIPTION PAGE
 19 None

20
 21 Q U E S T I O N S M A R K E D F O R
 22 R U L I N G
 23 QUESTIONING ATTORNEY PAGE/LINE
 24 None

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[19] (Pages 70 to 73)

1 CERTIFICATE
2

3 STATE OF NEW YORK)
4 COUNTY OF KINGS)
5
6

7 I, BINITA SHRESTHA, a Notary Public
8 for and within the State of New York, do
9 hereby certify:

10 That the witness whose examination
11 is hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this action
16 by blood or by marriage and that I am in no
17 way interested in the outcome of this
18 matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 18th day of November, 2011.
21
22

23 _____
24 BINITA SHRESTHA
25

[Page 74]

1 STATE OF NEW YORK)
2

ss.:

3 COUNTY OF KINGS)
4

5 I wish to make the following changes,
6 for the following reasons:
7
PAGE LINE

8 _____ CHANGE: _____
9 REASON: _____

10 _____ CHANGE: _____
11 REASON: _____

12 _____ CHANGE: _____
13 REASON: _____

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16 _____ CHANGE: _____
17 REASON: _____

18 _____ CHANGE: _____
19 REASON: _____

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21 REASON: _____

22 _____ CHANGE: _____
23 REASON: _____

24 _____ CHANGE: _____
25 REASON: _____

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[20] (Pages 74 to 75)

| | |
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| <p>A</p> <p>able 11:11 12:16 53:15 56:24 above-entitled 1:17 absolutely 29:7 37:12 Abu 15:16 18:15 51:18 67:18 accuracy 4:20 5:19 accurate 17:18 19:20 27:24 27:25 acquire 23:5 32:8,19,22 33:4 35:23 53:11,25 acquired 40:3 53:17 acquiring 22:20 32:13 52:22 acquisition 26:11,19 acquisitions 24:7,17 26:8 acted 59:6 acting 9:17,18 44:21 action 1:17 63:11 74:15 actions 64:2 active 26:14 47:21 actively 20:20 23:13 26:9 40:22 51:9,10,12 activities 28:17 actor 44:20 actual 28:15 acumen 66:9 administer 3:7 advisor 27:16 aforementioned 25:24 33:7 46:6 agree 5:7 6:9 51:23 60:5 AGREED 3:1,10,13 agreement 4:19 5:12 15:23 33:24 ahead 47:8 50:10 albeit 52:14 Alexis 2:18 8:10 9:22 10:6 29:16 34:13 37:23 56:3 57:23 70:20 allow 5:10 allude 59:17 Alongside 26:23 amicably 58:23 61:5 64:12 amount 39:8 40:21 67:13,15 67:17,19 analyze 27:13 announced 69:13 answer 5:2 7:20 8:6 12:16 14:19 20:10 22:4 29:24</p> | <p>30:5 35:19 40:5 43:4 52:14 53:23 55:25 56:20 58:6 answered 23:20,23 53:23 54:4 62:15 63:20 64:8 answering 14:20 30:6 anticipation 55:11 anybody 57:5,23 67:9 70:22 appeal 17:9 59:4 appeared 27:9 appearing 3:14 appears 44:19 58:12 60:8 Apprentice 16:23 27:17,18 42:18 69:9,16 approximately 49:9,15 arbitration 37:16,21 38:19 38:20 57:9,20 60:14 64:22 65:3 66:3,10 areas 18:18,19,23 19:5 23:15 69:7 argue 59:15 articles 13:8 ascertain 43:25 Asia 67:14 aside 19:11 68:25 69:3 asked 5:4 12:17 23:19,22 41:13 53:22 62:14 63:19 66:24 asking 4:11 5:6 8:23 9:11 21:21 23:17 30:14 37:19 38:23 39:18 42:12 44:6 45:5,7 55:10,23 56:13 57:22 58:24 66:18 asks 49:12 aspects 26:9 assets 52:6 Assistant 2:19 assume 21:20 28:22 35:16 46:10 47:7 assure 60:24 attempt 40:5 attorney 8:13 9:16,18 39:17 39:25 43:7 73:23 attorneys 2:4 3:2 52:14 55:8 attorney-client 30:4,8 at-issue 8:24 10:20,21 12:7 12:13 15:4,13 18:13 32:8,19 35:24 38:23 39:11,13 41:4 41:16 54:15 55:16 62:3,12 65:8 68:16,17</p> <p>authorized 3:6 Avenue 2:21 aware 9:2,5,12,14,15,19 10:4 11:3,5 12:12 21:7,14 22:5 22:16 35:9 37:14 38:13,18 38:24 41:3,14 48:4,9 54:13 54:18,21,23 56:7,14 57:3 58:22 62:2,12 70:18 71:11 71:15,19</p> <hr/> <p>B</p> <p>B 73:7 back 9:6 12:20,23 23:24 50:3 58:25 61:9 68:22 ballpark 53:21 62:5,11 Bangalore 16:7 base 68:11 baseball 44:8 based 53:9 basically 29:3 64:21 basis 29:17 56:6,24 63:5 70:3 beginning 63:15 67:4 behalf 1:18 9:17 53:11 55:18 56:12 behind-the-scenes 27:21 Beijing 16:9 18:15 67:16 believe 17:3 18:5 33:25 42:7 52:13 55:2 58:22 belong 23:16 benefit 32:23 45:16 50:16 52:11 best 11:8 better 19:22 big 9:13 15:25 59:21 Binita 1:20 74:7,23 birth 21:9 bit 15:16 36:15 blend 63:22 64:16 blood 74:16 blue 50:25 board 24:8 boardroom 27:17 bonuses 28:18 books 16:14 69:10,18 branch 69:25 brand 18:12 20:16 24:19 27:4 30:25 31:3 53:6 break 71:4 brief 30:2</p> |
|--|--|

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Exhibit B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Web-adviso, J. Taikwok Yung

Plaintiff,

- against -

Donald J. Trump,

Defendants.

X

: CV 11-1413 (DLI) (VVP)

: **DISCOVERY**

x

Discovery (Questions and Request for Information and Documents)

To whom it may concern,

The Plaintiff is continuing the discovery process as previously stated for (Yung vs. Trump) and would respectfully request the following (additional request and questions to follow in succeeding emails and letters):

Ques. 1: Does the defendant own the mark, "TrumpNation"? and if so, please provide docs to verify?

Ques. 2: What are the methods/metrics used by the defendant in measuring and ascertaining the value of his net-worth? Are the feelings of the defendant involved? And please provide all information in every legal case, business dealings, tax calculations/filings where the defendant's feelings are involved.

Ques. 3: On a related note, what does the following statement mean stated by Donald Trump on valuation of his own net-worth:

"Yes, even my own feelings, as to where the world is, where the world is going, and that can change rapidly from day to day. Then you have a September 11th, and you don't feel so good about yourself and you don't feel so good about the world and you don't feel so good about New York City. Then you

have a year later, and the city is as hot as a pistol. Even months after that it was a different feeling. So yeah, even my own feelings affect my value to myself."

Ques. 4: What does Donald Trump feel about minorities, especially "the Chinese"? Does he feel "the Chinese" are stupid therefore, targets his questionable quality real estate sales to "the Chinese" minorities and have his children to publicly on various media bolster about such questionable sales to "the Chinese"? (It is important to clarify all racist attitude and conniving business acts the defendant have demonstrated since in this case (Yung vs. Trump) a former US Marine and Chinese-American immigrant is the Plaintiff litigant.

Ques. 5: Does Donald Trump hire cronies or use favors of other people to harass and spy on legal opponents? Please provide all truthful information to the court.

Request for docs and depositions:

1. The Plaintiff formally and respectfully request depositions to be made by Donald Trump.
(Reason) Since the higher court of New Jersey recently affirm a case dealing and relating with the net-worth matter of Donald Trump. It has become more important in this discovery process to truthfully discover materials dealing with the net worth of Donald Trump and his numerous real estate project claims and why a person other than himself (since this is Yung vs. Donald Trump) can try to claim rights to the at-issue domain names for him if they happen to just travel by Jet or Airplane for vacation. In addition, the defendant have delayed over 3 years to bring his frivolous legal claims, it is very important to provide color and clarity to the matter why the defendant thinks and feels (day-to-day) about his claim to the at issue domains.

2. Please provide documentations relating to all real estate projects from Jan. 1, 2002 to Dec. 31, 2007 (commercial and residential; domestic USA and international) that have internet domain names and also please provide their internet domain name registration information, if any (current and initial registration information).

(Reason) The defendant thinks he has rights to geographical internet domain names of entire cities. Evidence and information needs to be discovered as the extend of ownership of land by the defendant in various places as it relates to the at-issue domains. Whats more to be clarified, does the defendant own the municipality land like the entire city of Beijing or so and therefore the domain name? Clarity must be provided as to the defendant's feelings about geographical domain names of entire cities and what legal theories are used since different countries provide different jurisdictions and laws.

(additional request and questions to follow in succeeding emails and the Plaintiff prefer digital format PDF documents)

Thank you for your time....

Respectfully Submitted,

Dated: Sept. 14, 2011

Brooklyn, NY

By:



J. Taikwok Yung (sporting202@yahoo.com)

556 E88th St.

Brooklyn, NY 11236

tel: 646.309.8421

Pro Se Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Web-adviso, J. Taikwok Yung

Plaintiff,

- against -

Donald J. Trump,

Defendants.

X

CV 11-1413 (DLI) (VVP)

DISCOVERY

x

Discovery (Questions and Request for Information and Documents)

To whom it may concern,

The Plaintiff is commencing the discovery process for (Yung vs. Trump) and would respectfully request the following (additional request and questions to follow in succeeding emails):

Ques. 1: What is the relationship between Donald Trump and Donald Trump Jr. and please describe the various roles that Donald Trump Jr. played in the Trump Organization and please provide dates on when Jr. took those positions?

Ques. 2: Where and what places did Donald Trump and Donald Trump Jr. traveled domestically and internationally from 2002 to 2007 (inclusive)? (Please documents to verify)

Ques. 3: Has Donald Trump Jr. during 2007 and before 2007, has ever obtain ownership of any domain names legitimately on behalf of Donald Trump or the Trump Organization in the format trump_____.com (hypothetically like TrumpStarTrek.com) for any reason or just because he or Donald Trump flew over on an airplane or jet? (Please documents to verify)

Ques. 4: Why has Donald Trump delayed over 3 years to file/sent harassment legal letters, arbitration claims and frivolous counter claims against the Plaintiff's rightful ownership of the at-issue domains?

Ques. 5: Does Donald Trump understand that the English word "trump" is a generic English word with entries in Merriam-Webster English dictionary and Oxford English dictionary that predates his date of birth and the founding date of the Trump Organization?

Request for docs:

1. Please provide evidence and docs that Donald Trump Jr. is the decision maker in any real estate related deals during 2007 and 5 years prior. In addition, please provide info on travel itinerary from years 2002 to 2007 (5 yrs) as it relates to business deals. Also, please provide info on business transactions that led to a business deal by Donald Trump Jr. from 2002 to 2007.

(Reason): because the defendant stated that Donald Trump Jr. visited India in 2007 and therefore they claim to have rights to the Plaintiff's at-issue domain names, the Plaintiff are seeking docs and evidence to proof Donald Trump Jr.'s role in the company is actually as characterized by the defendant's submitted docs to the court.

2. Please provide evidence and docs that verifies the net worth of the defendant Donald Trump.

(Reason): because the defendant claims to have commenced multi-billion dollar real estate development in India, the Plaintiff request documents to verify that defendant is actually capable of financing such projects and not be someone utilizing a "marketed personality" as a billionaire to make frivolous claims to large projects here and there. In addition, it has been studied by legitimate sources and upheld by previous court cases that Donald Trump might not be a true billionaire as he market his personality to be, so it becomes important to verify Donald Trump's net worth truthfully to the court as to his ability to really finance multi-billion dollar real estate projects in India or anywhere then just making a frivolous statements and claims about it.

(additional request and questions to follow in succeeding emails and the Plaintiff prefer digital format PDF documents)

Thank you for your time....

Respectfully Submitted,

Dated: Sept. 30, 2011

Brooklyn, NY

By:

J. Taikwok Yung (spouse)

556 E88th St.

Brooklyn, NY 11236

tel: 646.309.8421

Pro Se Plaintiff